

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JONATHAN D. COOPER

PETITIONER

V.

NO. 4:16-CV-195-DMB-JMV

TIMOTHY MORRIS, et al.

RESPONDENTS

ORDER ADOPTING REPORT AND RECOMMENDATION

On September 28, 2016, Jonathan Cooper filed a petition for a writ of habeas corpus alleging that he was illegally confined by the Mississippi Department of Corrections in violation of his Eighth, Sixth, and Fourteenth Amendment rights. Doc. #1 at 6–8. On February 21, 2019, United States Magistrate Judge Jane M. Virden issued a Report and Recommendation recommending that Cooper’s “petition for a writ of *habeas corpus* be dismissed for failure to exhaust state remedies” and his “claims regarding the propriety of the revocation of his placement on Earned Release Supervision ... be dismissed as moot, as Mr. Cooper was later released on parole.” Doc. #18 at 1. No objections to the Report and Recommendation were filed.

Under 28 U.S.C. § 636(b)(1), “[a] judge of the court shall make a de novo determination of those portions of the report ... to which objection is made.” “[W]here there is no objection, the Court need only determine whether the report and recommendation is clearly erroneous or contrary to law.” *United States v. Alaniz*, 278 F. Supp. 3d 944, 948 (S.D. Tex. 2017) (citing *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989)).

The Court has reviewed the Report and Recommendation and finds that it is neither clearly erroneous nor contrary to law. Accordingly, the Report and Recommendation [18] is **ADOPTED** as the order of this Court. Cooper’s petition for a writ of habeas corpus [1] is **DISMISSED without prejudice** for failure to exhaust state remedies and, to the extent Cooper challenges the

propriety of his March 2016 Earned Release Supervision revocation, those claims are **DISMISSED as moot** because Cooper was subsequently released on parole in February 2017.

Doc. #18 at 2.

SO ORDERED, this 3rd day of May, 2019.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE